



ELECTION NEWS

A special informational bulletin
on the conduct of the
November 4, 2008 general
election

Michigan Department of State - Terri Lynn Land, Secretary of State

Issue No. 64

October 24, 2008

In This Issue ...

This edition of *Election News* offers a series of final reminders and points of information related to the administration of the November 4 general election. The following topics are covered:

- **Handling Emergencies that Raise Questions Over the Interruption of the Voting Process or the Extension of the Polling Hours**
- **Posting Absentee Voting Information on Election Day**
- **Submission of ID and Residency Verification Documents During 6-Day “Envelope” Ballot Evaluation Period Permitted**
- **Provisional Ballot Report Forms Due November 11**
- **Reminder: Check Post Office for Absentee Ballots that Arrive on November 4!**
- **Recount Reminders**
- **Election Resources Available on Department’s Web Site**
- **Have a Question or Need Assistance?**

Handling Emergencies that Raise Questions Over the Interruption of the Voting Process or the Extension of the Polling Hours
--

All polling places must be ready and open for voting at 7:00 a.m. At 7:00 a.m., it is the duty of the precinct chairperson to publicly announce the opening of the polls by declaring, “The polls are now open.” The polling place must remain open for voting until 8:00 p.m. At 8:00 p.m., it is the duty of the precinct chairperson to publicly announce the closing of the polls by declaring, “The polls are now closed.” Every voter standing in the line at 8:00 p.m. must be permitted to vote.

County and local clerks cannot shorten or extend the polling hours unless and until directed to do so by individuals who retain the proper legal authority. A number of clarifying points and suggestions are provided below:

- Should any event or emergency occur outside of your jurisdiction which raises questions over the interruption of the voting process or the suspension of the election, do not take any action unless and until you receive direction through the Michigan Department of State's Bureau of Elections. The careful coordination of such decisions is essential to the orderly conduct of the elections process.
- Should any event or emergency occur within your jurisdiction which raises questions over the interruption of the voting process or the closing of one or more polling places in your jurisdiction, take direction from your local enforcement officials and call the Michigan Department of State's Bureau of Elections (517/373-2540) to alert us to the situation. It is important that the Bureau be contacted as soon as possible in any instance where your local enforcement officials evacuate or close a polling place during the 13-hour polling period. If it is necessary to evacuate a polling place for any reason, instruct the precinct board to take possession of the poll book before leaving the polling place.
- Should any situation occur which raises questions over the extension of the polling hours after 8:00 p.m., do not take any action unless and until you receive direction through the appropriate legal channels. The polling hours cannot be extended beyond 8:00 p.m. without a court order.
- Watch for incoming emails from the Department of State's Bureau of Elections on November 4! If an urgent need to communicate with Michigan's county and local clerks emerges on November 4, the issuance of an email to all county and local clerks will be one of the first actions we will take. The email address recently provided to you through the Department of State will be used to issue the communications. In preparation, make sure that your assigned email account is active. If you have any questions regarding the activation or use of your email account, please contact the QVF Help Desk at 1-800-310-5697.
- Provide your precinct boards with a list of important contact numbers including the local clerk's office, the county clerk's office, local law enforcement officials, the local fire department and building management personnel.
- Make sure your precinct boards are able to contact your office without delay on November 4. Consider adding one or more additional phone lines to handle the incoming calls if deemed necessary.

Posting Absentee Voting Information on Election Day
--

Michigan election law, MCL 168.765(5), requires all city and township clerks to comply with the following posting requirements:

- The clerk must post before 8:00 a.m. on election day: 1) the number of absentee ballots distributed to voters 2) the number of absentee ballots returned before election day and 3) the number of absentee ballots delivered for processing.

- The clerk must post before 9:00 p.m. on election day: 1) the number of absentee ballots returned on election day 2) the number of absentee ballots returned on election day which were delivered for processing 3) the total number of absentee ballots returned both before and on election day and 4) the total number of absentee ballots returned both before and on election day which were delivered for processing.
- The clerk must post immediately after all precinct returns are delivered: 1) the total number of absentee ballots returned by voters and 2) the total number of absentee ballots processed by precinct board(s) or absent voter counting board(s).

A form which can be used to post the information specified above is provided with this newsletter.

<p>Submission of ID and Residency Verification Documents During 6-Day “Envelope” Ballot Evaluation Period Permitted</p>
--

All city and township clerks are reminded that a voter who is issued an “envelope” ballot can satisfy the related identification and residence verification requirements during the 6-day “envelope” ballot evaluation period. A special notice prepared for voters who can take advantage of the allowance is provided with this newsletter.

The special notice provided with this newsletter does not replace the other voter notices developed to administer Michigan’s provisional balloting process. Thus, a voter who is issued an “envelope” ballot because he or she was unable to satisfy 1) the identification requirement and/or residence verification requirement detailed in the Four-Step Procedure form or 2) the state and/or federal identification requirement must receive two notices: the standard informational notice developed for such voters and the special notice provided with this newsletter.

<p>Provisional Ballot Report Forms Due November 11</p>

City and township clerks who receive one or more “envelope” ballots after the polls close must evaluate the ballots within six days after the election to determine if the ballots can be counted. The clerk is not permitted to open a provisional ballot security envelope unless the clerk determines that the ballot can be counted. The procedure for handling “envelope” ballots returned to the clerk’s office is provided with this newsletter.

No later than the seventh day after the election, the city or township clerk must complete a “Provisional Ballot Report” form and submit it to the county canvassing board or local canvassing board as appropriate. The Provisional Ballot Report form documents the number of provisional ballots which were 1) counted or tabulated in the polls on election day and 2) secured in Provisional Ballot Security Envelopes for delivery to the clerk’s office after the polls close.

The report further documents 1) the number of “envelope” ballots determined valid and counted and 2) the number of “envelope” ballots determined invalid and not counted. A Provisional Ballot Report form is provided with this newsletter.

Reminder: Check Post Office for Absentee Ballots that Arrive on November 4!

Michigan election law, MCL 168.765(3), stipulates that on election day, the city or township clerk must contact the post office “at which the clerk regularly receives mail” and arrange to obtain any absentee ballots being held at the post office in sufficient time to deliver the absentee ballots to the appropriate precinct board by 8:00 p.m.

Given the above requirement, all city and township clerks must contact their local post office in advance of the November 4 general election to make arrangements to obtain any absentee ballots that reach the post office on Tuesday, November 4. The requirement is designed to ensure that any and all absentee ballots that reach the clerk’s post office on election day are counted – including those absentee ballots that arrive in the post office after the clerk’s routine mail delivery on election day.

Recount Reminders

Michigan election law stipulates that a candidate who seeks nomination or election to the office of U.S. Representative in Congress, State Senator or State Representative who wishes to obtain a recount must file with the Secretary of State. Please keep this requirement in mind if you are contacted by any U.S. House or State House candidates who wish to seek a recount after the November 4 general election. (The office of State Senator does not appear on the November 4 general election ballot.)

County and local recounts requested after the November 4 general election may not be conducted until written clearance is received through the Michigan Department of State’s Bureau of Elections. All ballots, voting equipment, programs and other materials placed under security must remain sealed until instruction is received through the Bureau. A memo on the conduct of county and local recounts will be forwarded to the county clerks throughout the state in early December.

A summary of the recount process is provided with this newsletter (*Chronology of Recount Process: November 4, 2008 General Election*).

Election Resources Available on Department's Web Site

A wide variety of election related information and materials can be accessed through the Department's Web site www.Michigan.gov/sos. To locate, click on "Elections in Michigan"; on the Elections in Michigan page, click on "Information for Election Administrators." The information and materials currently available on the Web site include the following:

- Michigan election law.
- November 4, 2008 Voter Information Poster (English and Spanish).
- November 4, 2008 election date calendar.
- Provisional balloting implementation materials.
- Election inspector training materials.
- Michigan voter identification requirement implementation materials.
- AutoMARK implementation materials.
- Archives of previous issues of *Election News* and *News You Can Use*.

Have a Question or Need Assistance?

If you have a question or need assistance with your election related duties, please do not hesitate to contact the Michigan Department of State's Bureau of Elections. We will be happy to assist in any way possible!

Mailing address: Michigan Department of State
Bureau of Elections
PO Box 20126
Lansing, MI 48901-0726

Phone: (517) 373-2540

Email: elections@michigan.gov

Fax: (517) 373-0941

**ABSENTEE BALLOTS
-- INFORMATION POSTING --**

DATE OF ELECTION: _____

Complete and post before 8:00 a.m. on election day.

Number of absentee ballots distributed to absent voters: _____

Number of absentee ballots returned before election day: _____

Number of absentee ballots delivered for processing: _____

Complete and post before 9:00 p.m. on election day.

Number of absentee ballots returned on election day: _____

Number of absentee ballots returned on election day which
were delivered for processing: _____

Number of absentee ballots returned both before and on
election day: _____

Number of absentee ballots returned both before and on
election day which were delivered for processing: _____

Complete and post immediately after all precinct returns are delivered.

Number of absentee ballots returned by voters: _____

Number of absentee ballots processed by precinct board(s) or
absent voter counting board(s): _____



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

NOTICE TO VOTERS ISSUED AN “ENVELOPE” BALLOT

*(Notice must be issued to all voters who are issued an “envelope” ballot including:
1) voters who did not appear on QVF list 2) voters unable to satisfy Michigan’s voter
identification requirement and 3) voters unable to satisfy the federal voter identification
requirement.)*

As you were unable to satisfy an applicable identification requirement and/or residence verification requirement in the polling place, special procedures were followed when issuing you a ballot.

To ensure that your ballot counts, you must provide your local city or township clerk with the required information no later than the sixth calendar day after the election. Except as noted below, you can appear in person in your city or township clerk’s office to show the information, fax the information to the clerk or mail a copy of the information to the clerk. If you do not satisfy the information requirement within six calendar days after the election, your ballot will not count. The following lists the types of documents you can use to satisfy the information requirement:

Documents which satisfy identification requirement if your name did not appear on registration list: A Michigan Driver License; a Michigan Personal Identification Card; any other type of government issued identification card which shows your photo; or an identification card issued by a Michigan university or college which shows your photo.

Documents which satisfy residency requirement if your name did not appear on registration list: A Michigan Driver License; A Michigan Personal Identification Card; government issued photo identification card; photo identification issued by a Michigan university or college; current utility bill; current bank statement; current paycheck or government check; or any other government document.* The document must show your name and your address. The address shown on the document must be in the precinct where you voted.

Documents which satisfy federal voter identification requirement imposed on first-time mail registrants who have never previously voted in Michigan: A copy of any current and valid photo identification or a copy of a paycheck, government check, utility bill, bank statement or a government document* which lists your name and address.

Documents which satisfy Michigan voter identification requirement imposed on all voters who attend the polls to vote: A Michigan Driver License; a Michigan Personal Identification Card; driver’s license or personal identification card issued by another state; a federal or state-government issued photo identification; a U.S. passport; a military identification card with photo; a student identification with photo from a high school or an accredited institution of higher education; or a tribal identification with photo. In all cases, the picture identification must be current. To satisfy the Michigan voter identification requirement, you must appear in person in your city or township clerk’s office.

* Contact your local city or township clerk if you wish to obtain information on the government documents which can be used to satisfy the requirement.



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 2008

**Procedure for Handling “Envelope” Ballots
Returned to Clerk’s Office**

Within 6 days after the election, the city or township clerk must evaluate each “envelope” ballot voted by the jurisdiction’s voters to determine if the ballot can be counted. When making this determination, the city or township clerk is not permitted to open the PROVISIONAL BALLOT SECURITY ENVELOPE holding the ballot.

I. MISSING REGISTRATION: Determining the validity of an “envelope” ballot issued to an elector whose name did not appear on the precinct’s QVF list

All of the information needed to determine the validity of an “envelope” ballot issued to such an elector is recorded on the four-step procedure form completed by the precinct board.

THE “ENVELOPE” BALLOT CAN BE COUNTED IF:

- A valid voter registration application for the elector is located; the registration application was submitted by the elector on or before the “close of registration” for the election at hand; and the “envelope” ballot voted by the elector was issued in the proper precinct.

OR

- The elector signed the affidavit to affirm that he/she submitted a voter registration application on or before the “close of registration” for the election at hand; the elector identified himself or herself by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college; and the elector confirmed that he or she currently resides in the precinct where the “envelope” ballot was issued by showing 1) one of the above documents OR 2) a current utility bill, current bank statement, current paycheck or government check or any other government document.

Stated in simpler terms, the “envelope” ballot counts if the voter signed the affidavit, confirmed his or her identity with an acceptable form of photo ID AND confirmed his or her residence in the precinct where the “envelope” ballot was issued with the photo ID OR by producing one of the listed alternative documents (current utility bill, current bank statement, current paycheck or government check or any other government document).

SUBMISSION OF PHOTO ID AND RESIDENCE CONFIRMATION DOCUMENT DURING 6-DAY “ENVELOPE” BALLOT EVALUATION PERIOD PERMITTED:

- In an instance where the elector was unable to identify himself or herself by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college, the ballot can be counted if the voter is able to produce an acceptable form of photo ID during the 6-day “envelope” ballot evaluation period. The voter can appear in person in the city or township clerk’s office to show the photo ID, fax the photo ID to the clerk or mail a copy of the photo ID to the clerk. The photo ID must reach the city or township clerk no later than the sixth calendar day after the date of the election.
- In an instance where the elector was unable to confirm that he or she currently resides in the precinct where the “envelope” ballot was issued by showing an acceptable form of photo ID or by producing one of the accepted alternative documents (current utility bill, current bank statement, current paycheck or government check or any other government document), the ballot can be counted if the voter is able to produce an acceptable residence confirmation document during the 6-day “envelope” ballot evaluation period. The voter can appear in person in the city or township clerk’s office to show the document, fax the document to the clerk or mail a copy of the document to the clerk. The document must reach the city or township clerk no later than the sixth calendar day after the date of the election.
- In any instance where an “envelope” ballot is counted because the voter was able to produce the required photo ID and/or residence confirmation document during the 6-day “envelope” ballot evaluation period, the clerk must enter an appropriate notation on the Four-Step Procedure form completed when the voter was issued the “envelope” ballot in the polls.

THE “ENVELOPE” BALLOT CANNOT BE COUNTED IF:

- The elector was unable to identify himself or herself at the polls or during the 6-day “envelope” ballot evaluation period by showing a Michigan Driver License, Michigan Personal Identification Card, other government photo identification card or a photo identification card issued by a Michigan university or college.
- OR
- The elector was unable to confirm when in the polls or during the 6-day “envelope” ballot evaluation period that he or she currently resides in the precinct where the “envelope” ballot was issued by showing one of the above documents or a current utility bill, current bank statement, current paycheck or government check or any other government document.

IMPORTANT NOTE REGARDING ELECTORS WHO VOTED IN WRONG PRECINCT:

In any situation where an “envelope” ballot has been issued to a voter who 1) appeared to vote in the wrong precinct and 2) declined to travel to his or her proper precinct to vote, you must make every effort to accurately confirm that the voter did, in fact, vote in the wrong precinct before rejecting the “envelope” ballot as invalid. The evaluation must include a check of the QVF street index to verify that the voter was not assigned to the wrong precinct in error. If a check of the

street index reveals that a voter in this situation actually voted in the proper precinct, the “envelope” ballot must be counted.

II. FEDERAL ID REQUIREMENT: Determining the validity of an “envelope” ballot issued to an elector subject to the federal identification requirement

- The “envelope” ballot can be counted if the elector provides one of the following forms of identification during the 6-day “envelope” ballot evaluation period: a current and valid photo identification or a copy of a paycheck, government check, utility bill, bank statement or a government document which lists his or her name and address. The voter can appear in person in the city or township clerk’s office to show the required ID, fax the required ID to the clerk or mail a copy of the required ID to the clerk. In an instance where an “envelope” ballot is counted because the voter was able to produce the required ID during the 6-day “envelope” ballot evaluation period, the clerk must enter an appropriate notation on the PROVISIONAL BALLOT SECURITY ENVELOPE.
- The “envelope” ballot cannot be counted if the voter fails to satisfy the federal ID requirement during the 6-day “envelope” ballot evaluation period.

III. MICHIGAN VOTER IDENTIFICATION REQUIREMENT: Determining the validity of an “envelope” ballot issued to a voter because questions over the voter’s identity remained after an inspection of the picture identification produced by the voter

- The “envelope” ballot can be counted if the elector appears in person and provides one of the following forms of identification during the 6-day “envelope” ballot evaluation period: A Michigan Driver License; a Michigan Personal Identification Card; driver’s license or personal identification card issued by another state; a federal or state-government issued photo identification; a U.S. passport; a military identification card with photo; a student identification with photo from a high school or an accredited institution of higher education; or a tribal identification with photo. In all cases, the picture identification must be current and must resolve the questions over the voter’s identity which prompted the issuance of an “envelope” ballot to the voter.
- The “envelope” ballot cannot be counted if the voter fails to personally appear in the clerk’s office during the 6-day “envelope” ballot evaluation period and satisfy the Michigan voter identification requirement as described above.

IV. Disposition of valid “envelope” ballots which can be counted

- If the “envelope” ballot can be counted, remove the ballot from the PROVISIONAL BALLOT SECURITY ENVELOPE and remove the stub from the ballot. If a paper ballot, do not unfold the ballot during this step. If an optical scan ballot, do not remove the ballot from its secrecy sleeve during this step.
- Place the ballot in a ballot container.
- After you have placed all of the valid “envelope” ballots that can be counted in the container, remove the ballots and count the valid votes on the ballots.
- After counting the valid votes on the ballots, complete a PROVISIONAL BALLOT REPORT FORM. After completing the form, submit it to the county canvassing board or local canvassing board as appropriate. The form must be transmitted to the canvassing board no later than the 7th day after the election.
- After recording the valid votes on the “envelope” ballots that can be counted, seal the counted “envelope” ballots and PROVISIONAL BALLOT SECURITY ENVELOPES which contained the ballots in a ballot container. Attached a ballot tag to the seal which indicates that the container holds the “envelope” ballots returned after the election which were determined valid and counted. Retain the PROVISIONAL BALLOT SECURITY ENVELOPES which were determined invalid and not opened in a separate secure place in your office.



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

Chronology of Recount Process: November 4, 2008 General Election

Certification of Results

- County Canvassing Boards convene at 1:00 p.m. on November 5, 2008 to initiate canvass of the general election.
- County Canvassing Boards complete canvass of general election no later than November 18, 2008. Results for county and local offices are certified as official. Results for state level offices are forwarded to Secretary of State within 24 hours.
- Board of State Canvassers certifies state-level offices no later than November 24, 2008. Board authorizes staff to act on its behalf if recounts are requested.

Petitioning Process

- A candidate who seeks nomination to a county office, township office, the office of Probate Judge or any other local office on the general election ballot who wishes to obtain a recount must submit a "recount petition" to the county clerk within six days after the Board of County Canvassers certifies the results for the office involved. (Note: In an instance where a local office is certified by a city or township canvassing board, the recount petition must be submitted to the city or township clerk. The city or township clerk must forward the recount petition to the county clerk within 24 hours.)

A candidate who seeks nomination to the office of U.S. Representative in Congress, the office of State Representative or a judicial office (except Probate Judge) who wishes to obtain a recount must submit a "recount petition" to the Secretary of State within 48 hours after the Board of State Canvassers certifies the results for the office involved.

- Petition must be notarized.
- Petition must claim "fraud or mistake" in the canvass of votes.
- Petition must specify precincts to be recounted. (Can request a "full" recount or "partial" recount.)
- A \$10.00 deposit per precinct must be included with petition. (Deposit returned if election is reversed.)
- Official receiving recount petition immediately notifies all opponents that recount petition has been filed.

- Opponents can “counter petition” if a partial recount. If original recount petition was submitted on the county or local level, counter petition must be filed within 48 hours after the submission of original petition. If original recount petition was filed with the Secretary of State, counter petition must be filed by 4:00 p.m. on the seventh calendar day after the submission of original petition. Opponents can also file objections by 4:00 p.m. on the seventh calendar day after submission of original petition. If objections are filed, the canvassing board responsible for conducting the recount holds a hearing to consider the objections.

Coordination of State-Level Recounts; Conduct of Local Recounts

- As soon as the state-level recount deadline elapses, Secretary of State contacts the clerks of the counties where recounts are requested to initiate coordination of recount. Considerations:
 - Date, time and place.
 - Coordination of an orientation/training session with Board of County Canvassers, candidates, and representatives of candidates. (Usually held immediately prior to conduct of recount.)
 - Rules and procedures.
- Counties where recounts will not be conducted under the authority of the Board of State Canvassers are advised to proceed with any local recounts which must be conducted under the authority of Board of County Canvassers.

Conduct of State-Level Recounts

- As soon as arrangements for any requested state-level recounts are complete, a packet of information is forwarded to each candidate giving full details on the coordination of the recount. The counties post recount with notices provided by Bureau.
- At the appointed time and place, the recount is convened and is conducted under the direction of the Board of State Canvassers’ representative.
- The recount process takes place at “work tables.”
 - The number of work tables set up in any given county depends on the number of ballots to be counted. Two to three workers are assigned to each work table.
 - The county is responsible for hiring the personnel needed to staff the work tables.
 - Each candidate can have up to two “challengers” at each work table.
- The ballots are counted under the state laws, rules and policies which govern the process.
 - All ballots are recounted by hand.

- Michigan is not a voter intent state: the voter must follow instructions and cast vote by marking “target area.” Any markings outside of “target area” cannot be considered.
- If there is a dispute over how a ballot is counted, the ballot is placed in an “exhibit envelope.”
 - Ballot is inspected by Board of County Canvassers who can overrule or uphold how ballot was counted at “work table.” Board votes on each challenged ballot; if a deadlock, manner in which ballot was counted at work table stands.
 - Board’s decision can be appealed to Board of State Canvassers’ representative who can overrule or uphold decision made by Board of County Canvassers.
 - Any decisions made by Board of State Canvassers’ representative can be appealed to Board of State Canvassers when it next convenes.
- Recount must be completed no later than the 30th calendar day after the deadline for submitting a “counter petition.” Recount is halted if original petitioner withdraws.
- If recount is completed, the Board of State Canvassers convenes to hear any challenges which the candidates wish to present. After ruling on any presented challenges, the Board certifies the result of the recount.
- If disputes remain, must be taken up in court.



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

**PROVISIONAL BALLOT
REPORT FORM**

Jurisdiction: _____ Date of election: _____

- I. Enter, by precinct, the number of provisional ballots which were 1) counted or tabulated in the polls on election day and 2) secured in PROVISIONAL BALLOT SECURITY ENVELOPES for delivery to the clerk's office after the polls closed ("envelope" ballots).

Of those provisional ballots which were secured in PROVISIONAL BALLOT SECURITY ENVELOPES, indicate 1) the number that were determined valid and counted and 2) the number that were determined invalid and not counted.

Precinct #	Number of Provisional Ballots Counted or Tabulated in the Polls	Number of Provisional Ballots Secured in Provisional Ballot Security Envelopes ("Envelope" Ballots)	Number of "Envelope" Ballots Determined Valid	Number of "Envelope" Ballots Determined Invalid

(Attach additional sheets if necessary)

- II. Create an “Envelope Ballot Vote Certification” document and attach it to this form to show the votes counted on the valid “envelope” ballots cast in your jurisdiction. The “Envelope Ballot Vote Certification” document must list 1) the name of each candidate who is entitled to additional votes 2) the precinct where the votes must be added and 3) the number of votes which must be added for each candidate in each affected precinct.

Signature of Clerk or Authorized Assistant

Position

Date

()
Phone Number